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Libya

Under-the-counter dealings

WASHINGTON, DC

So preoccupied is the administration with Libyan wickedness of every conceivable sort that it was only to be expected that new vigour and attention should be given to the federal prosecution of two former Central Intelligence Agency officials accused, among other things, of assassination plots and bomb-making on Colonel Qaddafi's behalf. Lawyers at the justice department have been patiently gathering evidence against the two men, Mr Edwin Wilson and Mr Frank Terpil, for more than two years. They were originally indicted as long ago as April of last year and the crimes they are being prosecuted for are supposed to have been committed three or four years earlier.

New excitement came last week with the addition of a third defendant, Mr Douglas Schlacter, an associate of Messrs Wilson and Terpil, from Virginia. Mr Schlacter is currently a fugitive in Burundi from where the state department is trying, so far unsuccessfully, to extract him to stand trial. Nobody has publicly suggested that the coming to the boil of the federal prosecution was hastened by the recent sharpening of the administration's quarrels with Libya. The indictment against Mr Schlacter was actually brought at the beginning of August. That was before American aircraft shot down two Libyan jets during American naval exercises off the Libyan coast. It was before the assassination of President Sadat, over which crowds in Tripoli exulted. It was before the sudden and still not wholly explained evacuation from Rome this week of the American ambassador, Mr Maxwell Rabb, all the way to safety in Washington so as to foil a Libyan assassination plot. The justice department lawyers have simply been doing their job unhurried by affairs of state.

As former government employees neither Mr Wilson nor Mr Terpil can be said to have brought honour to his country, at least not if the indictment is to be believed. Mr Wilson is claimed to have set up a small explosives factory at King Idris's old palace outside Tripoli where he supervised the making of bombs disguised as ashtrays, tea caddies and coat-hangers. Together with Mr Terpil, he is also said to have taken \$1m from Colonel Qaddafi to arrange the death of a Libyan revolutionary council member living in exile in Egypt.

Finding sustainable charges to fit these crimes was not easy. The two men are being prosecuted under the Arms Export Control Act for illegally exporting explosives and detonation equipment. They are thought to have sold the Libyans other prohibited items including night vision equipment, although the justice department will not confirm this. They are charged with taking explosives across state lines, in contravention of a clause in the 1970 Omnibus Crime Control Act added to deal originally with the Weather Underground, members of which resurfaced this week (see below). As paid agents of the Libyan government, they are charged with failure to register under the Foreign Agents Registration Act. Lastly, they are being charged, in the District of Columbia where some of their dealings were plotted, with conspiracy to murder.

This is not a federal charge, but since felonies in Washington are prosecuted by federal authorities, the case will be heard in one court. It will, at least, if the two can be brought to trial. Mr Wilson, in Tripoli, denies all wrong-doing. Mr Terpil is somewhere in Lebanon or Syria. Mr Schlacter is charged with the same crimes, save for conspiracy to murder and failing to register as a foreign agent.

This strange case raises three distinct points for the authorities in Washington. First, there is what they are to do about Americans working for the Libyan gov-

ernment. American mechanics, it is reported, have serviced Libyan aircraft. American pilots recruited by Mr Wilson were said to be at the controls of Boeing Chinook helicopters, made under licence in Italy, which were carrying supplies for the Libyan invasion of Chad earlier this year. Awkward as all this obviously is for an administration aroused against Libya, there is not much, legally, it can do to bring these Americans to heel. Lawyers at the justice department are looking into applying the neutrality laws. These forbid Americans to serve in the armed forces of a foreign country. But justice department lawyers are divided on whether or not the neutrality laws could be successfully stretched to cover civilian ground crews.

The Wilson-Terpil affair, secondly, has drawn the attention of the house intelligence committee to what limits ought to be imposed on retired intelligence officers. Mr Wilson, at the time of his alleged crimes in 1976, is said to have kept in contact with senior CIA officials in Washington. It is not at all uncommon for ex-CIA officers to turn to advising the governments in countries where they were stationed. But to prevent abuses, amendments are being considered to the CIA charter.

The affair offers, thirdly, an admittedly untypical example of the difficulties of policing illegal weapons and technology sales to unfriendly governments. There are several government agencies involved: state, commerce, justice, the FBI and the customs service. The enforcement strength is small. Co-ordination is poor. Catching violators at the moment of violation depends too much on luck.